

MINUTES

MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chairman Gary L. Perry, on January 30, 2009 at 10:00 A.M., in Room 303 Capitol.

ROLL CALL

Members Present:

Sen. Gary L. Perry, Chairman (R)
Sen. Jim Shockley, Vice Chairman (R)
Sen. Aubyn Curtiss (R)
Sen. John Esp (R)
Sen. Greg Hinkle (R)
Sen. Larry Jent (D)
Sen. Carol C. Juneau (D)
Sen. Cliff Larsen (D)
Sen. Jesse Laslovich (D)
Sen. Dan McGee (R)
Sen. Lynda Moss (D)
Sen. Terry Murphy (R)

Members Excused: None.

Members Absent: None.

Staff Present: Valencia Lane, Legislative Branch
Pam Schindler, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: No bills heard in committee.
Executive Action: SB 249-Do Pass As Amended, SB 230-Tabled, SB 212-Tabled, SB 221-Do Pass, Do Pass Motion Withdrawn, Sub-Committee Appointed.

EXECUTIVE ACTION ON SB 221

00:01:06 **Motion:** Sen. Shockley moved that **SB 221 DO PASS.**

Discussion:

00:02:00 Deb Matteucci, Behavioral Health Facilitator, Liaison,
Department of Public Health and Human Services
(DPHHS) and Department of Corrections (DOC)

00:09:14 Sen. Shockley

00:10:52 Ms. Matteucci

00:12:48 Brant Light, Chief Criminal Prosecutor, Assistant
Attorney General, Department of Justice (DOJ)

00:14:43 Sen. Shockley

00:14:53 Sen. Laslovich

00:15:20 Mr. Light

00:16:22 Sen. Hinkle

00:18:00 Sen. Esp

00:18:33 Ms. Matteucci

00:20:42 Sen. McGee

00:21:51 Mr. Light

00:26:22 Sen. Curtiss

00:27:53 Sen. Larsen

00:29:10 Sen. Perry (Appointment of Sub-Committee, Sen. Moss,
Sen. Hinkle, Sen. Esp, and Sen. Larsen.)

00:30:48 Sen. Shockley

00:32:52 Sen. McGee

00:33:54 Sen. Perry (Sub-Committee change, Sen. Jent to replace
Sen. Moss.)

00:34:47 Sen. Shockley **WITHDREW MOTION DO PASS SB 221.**

EXECUTIVE ACTION ON SB 230

00:35:41 **Motion:** Sen. Shockley moved that **SB 230 DO PASS.**

Discussion:

00:36:58 Valencia Lane, Legislative Services Division

00:37:29 Sen. Perry

00:37:38 Brant Light, Chief Criminal Prosecutor, Assistant
Attorney General, DOJ

00:38:29 Sen. Shockley

00:41:01 **Motion:** Sen. Juneau moved that **SB 230 BE AMENDED.**
EXHIBIT(jus22a01)

00:42:18 **Vote:** Motion that **SB 230 BE AMENDED** carried
unanimously by voice vote.

00:42:31 **Motion:** Sen. Shockley moved that **SB 230 DO PASS AS**
AMENDED.

Discussion:

00:43:07 Sen. Laslovich
00:44:30 Sen. Shockley
00:45:36 Sen. Esp

00:45:55 **Vote:** Motion that **SB 230 DO PASS AS AMENDED** failed 5-7
by roll call vote with Sen. Jent, Sen. Juneau,
Sen. Larsen, Sen. Moss, and Sen. Perry voting
aye.

00:46:46 **Motion:** Sen. McGee moved that **SB 230 BE TABLED AND THE**
VOTE REVERSED. Motion carried.

EXECUTIVE ACTION ON SB 249

00:47:27 **Motion:** Sen. Curtiss moved that **SB 249 DO PASS AS**
AMENDED. (Amended in previous Executive Action
1/28/09.)

EXHIBIT(jus22a02)

Discussion:

00:48:36 Sen. Perry
00:48:54 Sen. Curtiss
00:49:01 Sen. McGee
00:49:44 Sen. Esp
00:50:12 Sen. Shockley
00:50:29 Sen. McGee
00:51:00 Sen. Laslovich

00:52:30 **Vote:** Motion that **SB 249 DO PASS AS AMENDED** failed 6-6
by roll call vote with Sen. Curtiss, Sen. Esp, Sen.
Hinkle, Sen. Murphy, Sen. Perry, and Sen. Shockley
voting aye.

00:52:39 **Motion/Vote:** Sen. McGee requested that the Committee **RECONSIDER THE MOTION** on **SB 249 DO PASS AS AMENDED**. Motion that **SB 249 DO PASS AS AMENDED** carried by roll call vote 7-5 with Sen. Laslovich, Sen. Jent, Sen. Moss, Sen. Larsen, and Sen. Juneau voting no.

EXECUTIVE ACTION ON SB 212

00:55:21 **Motion:** Sen. Shockley moved that **SB 212 DO PASS**.

Discussion:

00:55:24 Ms. Lane

00:56:45 **Motion:** Sen. Shockley moved that **SB 212 BE AMENDED**. [**EXHIBIT\(jus22a03\)**](#)

Discussion:

00:59:15 Sen. McGee
00:59:25 Ms. Lane
00:59:31 Sen. Laslovich
01:01:44 Sen. Jent
01:03:21 Sen. Shockley
01:05:05 Sen. Esp
01:05:34 Sen. Laslovich
01:06:28 Sen. Esp
01:06:40 Ms. Lane

01:07:14 **Vote:** Motion that **SB 212 BE AMENDED** carried 11-1 by voice vote with Sen. Moss voting no.

01:07:40 **Motion:** Sen. Shockley moved that **SB 212 DO PASS AS AMENDED**.

Discussion:

01:07:48 Sen. Hinkle
01:08:42 Sen. Shockley
01:11:15 Sen. Laslovich
01:13:06 Sen. Shockley
01:13:49 Sen. Esp
01:15:21 Sen. Larsen
01:16:22 Sen. Moss
01:17:37 Sen. Juneau
01:18:08 Ms. Lane
01:18:13 Sen. Hinkle
01:20:19 Sen. Esp
01:20:45 Sen. Laslovich

01:24:29 Ms. Lane
01:26:32 Sen. Esp
01:27:24 Sen. Jent
01:31:12 Sen. McGee
01:33:38 Sen. Hinkle
01:34:35 Sen. Perry

01:36:25 **Substitute Motion/Vote:** Sen. McGee made a substitute motion that **SB 212 BE TABLED**. Substitute motion carried unanimously by voice vote.

01:37:09 Sen. McGee
01:38:11 Sen. Perry

Exhibit Distributed to the Committee Members regarding SB 87, heard 1/29/09:

[EXHIBIT\(jus22a04\)](#)

ADJOURNMENT

Adjournment: 11:40 A.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT ([jus22aad.pdf](#))